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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,690	01/24/2006	Claude Baudrenghien	1717214	2525
24240 7590 07/02/2007 CHAPMAN AND CUTLER 111 WEST MONROE STREET CHICAGO, IL 60603				
			EXAMINER O HERN, BRENT T	
			ART UNIT 1772	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/565,690	BAUDRENGHIEN ET AL.	
	Examiner	Art Unit	
	Brent T. O'Hern	1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): all 35 USC 112 rejections.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Brent T. O'Hern
6-27-07

Nasser Ahmad
NASSER AHMAD
PRIMARY EXAMINER 6/28/07

Continuation of 3. NOTE:

The amendments will not be entered as they amendments present new issues that require further consideration and/or search.

The amendments do not place the application in better condition for appeal as new issues are presented by the amendments.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's amendments will not be entered as they present new issues requiring further consideration and/or search.

All 35 USC 112 rejections have been overcome, however, said amendments will not be entered for the reasons discussed above.

Applicant has amended all claims with significant amendments to independent claim #1, thus, further consideration is required to determine whether said amendments distinguish the prior art of record.

In response to Applicant's arguments (p. 8, para. 1 to p. 11, para. 3 of Applicant's Paper filed 20 June 2007) that Applicant's amended claims are patentable over Sanders ('399), it is noted that Applicant has made significant amendments to the claims, especially independent claim #1 at the beginning and end of the claim as well as the amendments in response to the 35 USC 112 rejections, thus, said amendments require further consideration and/or search in order to determine whether said amended claims are patentable over the cited prior art.

In response to Applicant's arguments (p. 11, para. 3 to p. 12, para. 2 of Applicant's Paper filed 20 June 2007) that Sander's ('399) tape does not overlap itself in FIG-10, it is noted that the Examiner disagrees and Applicant has not presented any analysis to the contrary.

In response to Applicant's arguments (p. 12, paras. 3-4 of Applicant's Paper filed 20 June 2007) that the text of col. 7, ll. 4-22 has nothing to do with FIGs 1-2, it is noted that the Examiner referred to FIGs 10-11.

In response to Applicant's arguments (p. 13, paras. 1-2 of Applicant's Paper filed 20 June 2007) that Applicant's amended claims are patentable over Sanders ('399) and Kane ('492), it is noted that Applicant's amendments have introduced new issues requiring further consideration and/or search.

In response to Applicant's arguments (p. 13, para. 3 to p. 14, para. 1 of Applicant's Paper filed 20 June 2007) that Applicant's amended claims are patentable over Sanders ('399) and Cooley ('925), it is noted that Applicant has not presented any precise argument of why the art is unrelated. Furthermore, Applicant's amendments have introduced new issues requiring further consideration and/or search.

In response to Applicant's arguments (p. 14, para. 3 to p. 15, para. 1 of Applicant's Paper filed 20 June 2007) that Applicant's amended claims are allowable, it is noted as discussed above that Applicant's amendments have introduced new issues requiring further consideration and/or search.

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